THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 15962 of 2006

01-08-2006

Between:-

Challagolla Venugopala Rao and thirteen others.

Petitioners

And

Easter Power Distribution Company of Andhra Pradesh Limited, rep., by its Superintending Engineer, Operation, Eluru, West Godavari district and two others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 15962 of 2006

Oral order:

The writ petition is premature. The petitioners have all agricultural lands in Peda Kadimi village, Pedavegi mandal, West Godavari district and for irrigation of those lands through bore wells by electrical motor pumps, the petitioners have single phase electricity connections.

It is alleged that the 3rd respondent visited the village thrice during the previous week and directed the petitioners (orally) that those having single-phase service connections should convert to multiphase connections

and install multiphase meters. The petitioners claim to have informed the 3rd respondent that such conversion would involve a huge capital outlay beyond their modest means. As the petitioners apprehend that the 3rd respondent would disconnect their single phase service connections on their having defied the 3rd respondent's oral directives, the petitioners are before this court seeking a declaration that the action of the respondents in insisting on the petitioners to shift their agricultural service connections from single phase to multiphase system is illegal, contrary to the provisions of the Electricity Act, 2003 and the relevant rules and regulations thereunder and in transgression of the provisions of Articles 14, 19 and 21 of the Constitution of India. They also seek a direction to the respondents to continue the agricultural service connections of the petitioners on the single-phase system as at present.

As on date, there is no overt act by any of the respondents, pleaded and demonstrated, on which a direction could issue. The respondents are statutory authorities holding a public office and are required to take any action even if lawful only by issuing a formal notice/orders. Any action without lawful authority would

lay open the individual holders of public office to criminal prosecution, resistance by exercise of the right of private defence as well as initiation of disciplinary proceedings for transgression of the ordained conduct of a public office.

As no overt action has been attributed against the respondents and no proceedings are issued or an order passed for disconnection of petitioners' electrical service connections as on date, the grievance of the petitioners is moot and calls for no interdiction and interference. The writ petition is misconceived and is accordingly dismissed. The petitioners are at liberty to seek remedy as and when a cause of action arises. No costs.

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GODA RAGHURAM, J

Dated:01-08-2006
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